

**HIGHWAY LITTERING AND FAILING TO SECURE A
LOAD AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to littering or failing to secure a load on a highway.

Highlighted Provisions:

This bill:

- ▶ increases the fines for littering on a highway;
- ▶ increases the fines for failing to secure a load while operating a motor vehicle on a highway;
- ▶ amends the allocation of fine revenue for fines imposed for littering on a highway or failing to secure a load while operating a motor vehicle on a highway;
- ▶ provides that a portion of fine revenues for fines imposed for littering on a highway or failing to secure a load while operating a motor vehicle on a highway shall be used for highway littering education and enforcement programs; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **41-6a-1713**, as last amended by Laws of Utah 2008, Chapter 22

30 **72-7-409**, as last amended by Laws of Utah 2008, Chapters 22 and 140

31 **78A-5-110**, as last amended by Laws of Utah 2008, Chapter 22 and renumbered and
32 amended by Laws of Utah 2008, Chapter 3

33 **78A-7-120**, as last amended by Laws of Utah 2012, Chapter 205



35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **41-6a-1713** is amended to read:

37 **41-6a-1713. Penalty for littering on a highway.**

38 (1) A person who violates any of the provisions of Section 41-6a-1712 is guilty of a
39 class C misdemeanor and shall be fined:

40 (a) not less than [~~\$100~~] \$200 for a violation; or

41 (b) not less than [~~\$250~~] \$500 for a second or subsequent violation within three years of
42 a previous violation of this section.

43 (2) The sentencing judge may require that the offender devote at least eight hours in
44 cleaning up:

45 (a) litter caused by the offender; and

46 (b) existing litter from a safe area designated by the sentencing judge.

47 Section 2. Section **72-7-409** is amended to read:

48 **72-7-409. Loads on vehicles -- Limitations -- Confining, securing, and fastening**
49 **load required -- Penalty.**

50 (1) As used in this section:

51 (a) "Agricultural product" means any raw product which is derived from agriculture,
52 including silage, hay, straw, grain, manure, and other similar product.

53 (b) "Vehicle" has the same meaning set forth in Section 41-1a-102.

54 (2) A vehicle may not be operated or moved on any highway unless the vehicle is
55 constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise
56 escaping.

57 (3) (a) In addition to the requirements under Subsection (2), a vehicle carrying dirt,
58 sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or

59 scrap metal shall have a covering over the entire load unless:

60 (i) the highest point of the load does not extend above the top of any exterior wall or
61 sideboard of the cargo compartment of the vehicle; and

62 (ii) the outer edges of the load are at least six inches below the top inside edges of the
63 exterior walls or sideboards of the cargo compartment of the vehicle.

64 (b) In addition to the requirements under Subsection (2), a vehicle carrying trash or
65 garbage shall have a covering over the entire load.

66 (c) The following material is exempt from the provisions of Subsection (3)(a):

67 (i) hot mix asphalt;

68 (ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form
69 not susceptible to being blown out of the vehicle;

70 (iii) material being transported across a highway between two parcels of property that
71 would be contiguous but for the highway that is being crossed; and

72 (iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers,
73 bags, or packaging.

74 (d) A chemical substance capable of coating or bonding a load so that the load is
75 confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a) so long
76 as the chemical substance remains effective at confining the load.

77 (4) Subsections (2) and (3) do not apply to a vehicle or implement of husbandry
78 carrying an agricultural product, if the agricultural product is:

79 (a) being transported in a manner which is not a hazard or a potential hazard to the safe
80 operation of the vehicle or to other highway users; and

81 (b) loaded in a manner that only allows minimal spillage.

82 (5) (a) An authorized vehicle performing snow removal services on a highway is
83 exempt from the requirements of this section.

84 (b) This section does not prohibit the necessary spreading of any substance connected
85 with highway maintenance, construction, securing traction, or snow removal.

86 (6) A person may not operate a vehicle with a load on any highway unless the load and
87 any load covering is fastened, secured, and confined to prevent the covering or load from
88 becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to
89 other highway users.

90 (7) Before entering a highway, the operator of a vehicle carrying any material listed
91 under Subsection (3), shall remove all loose material on any portion of the vehicle not designed
92 to carry the material.

93 (8) (a) Any person who violates this section is guilty of a class B misdemeanor.

94 (b) A person who violates a provision of this section shall be fined not less than:

95 (i) [~~\$100~~] \$200 for a violation; or

96 (ii) [~~\$250~~] \$500 for a second or subsequent violation within three years of a previous
97 violation of this section.

98 (c) A person who violates a provision of this section while operating a commercial
99 vehicle as defined in Section 72-9-102 shall be fined:

100 (i) not less than [~~\$250~~] \$500 for a violation; or

101 (ii) [~~\$500~~] \$1,000 for a second or subsequent violation within three years of a previous
102 violation of this section.

103 Section 3. Section **78A-5-110** is amended to read:

104 **78A-5-110. Allocation of district court fees and forfeitures.**

105 (1) Except as provided in this section, district court fines and forfeitures collected for
106 violation of state statutes shall be paid to the state treasurer.

107 (2) Fines and forfeitures collected by the court for violation of a state statute or county
108 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the
109 state treasurer and 1/2 to the treasurer of the state or local governmental entity which
110 prosecutes or which would prosecute the violation.

111 (3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code
112 of Utah, Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter 18, State Boating
113 Act, shall be paid to the state treasurer.

114 (a) For violations of Title 23, the state treasurer shall allocate 85% to the Division of
115 Wildlife Resources and 15% to the General Fund.

116 (b) For violations of Title 41, Chapter 22, or Title 73, Chapter 18, the state treasurer
117 shall allocate 85% to the Division of Parks and Recreation and 15% to the General Fund.

118 (4) Fines and forfeitures collected for violation of Section 72-7-404 or 72-7-406, less
119 fees established by the Judicial Council, shall be paid to the state treasurer for deposit in the B
120 and C road account. Fees established by the Judicial Council shall be deposited in the state

121 General Fund. Money deposited in the class B and C road account is supplemental to the
122 money appropriated under Section 72-2-107 but shall be expended in the same manner as other
123 class B and C road funds.

124 (5) (a) Fines and forfeitures collected by the court for a:

125 (i) first violation under Section 41-6a-1713 or Subsection 72-7-409(8)(b) shall be
126 remitted;

127 (A) 50% to the state treasurer to be deposited in the Transportation Fund to be used for
128 highway littering education and enforcement programs; and

129 (B) 50% in accordance with Subsection (1); or

130 (ii) second or subsequent violation under Section 41-6a-1713 or Subsection
131 72-7-409(8)(b) shall be remitted:

132 [~~i~~ ~~60%~~] (A) 80% to the state treasurer to be deposited in the Transportation Fund to
133 be used for highway littering education and enforcement programs; and

134 [~~ii~~ ~~40%~~] (B) \$20% in accordance with Subsection (2).

135 (b) Fines and forfeitures collected by the court for a:

136 (i) first violation under Subsection 72-7-409(8)(c) shall be remitted:

137 (A) 50% to the state treasurer to be deposited in the Transportation Fund to be used for
138 highway littering education and enforcement programs; and

139 (B) 50% in accordance with Subsection (1); or

140 (ii) second or subsequent violation under Subsection 72-7-409(8)(c) shall be remitted:

141 [~~i~~ ~~50%~~] (A) 75% to the state treasurer to be deposited in the Transportation Fund to
142 be used for highway littering education and enforcement programs; and

143 [~~ii~~ ~~50%~~] (B) 25% in accordance with Subsection (2).

144 (6) Fines and forfeitures collected for any violations not specified in this chapter or
145 otherwise provided for by law shall be paid to the state treasurer.

146 (7) Fees collected in connection with civil actions filed in the district court shall be
147 paid to the state treasurer.

148 (8) The court shall remit money collected in accordance with Title 51, Chapter 7, State
149 Money Management Act.

150 Section 4. Section **78A-7-120** is amended to read:

151 **78A-7-120. Disposition of fines.**

152 (1) Except as otherwise specified by this section, fines and forfeitures collected by a
153 justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the
154 court and 1/2 to the treasurer of the local government which prosecutes or which would
155 prosecute the violation. An interlocal agreement created pursuant to Title 11, Chapter 13,
156 Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section
157 if the parties agree.

158 (2) (a) For violation of Title 23, Wildlife Resources Code, the court shall allocate 85%
159 to the Division of Wildlife Resources and 15% to the general fund of the city or county
160 government responsible for the justice court.

161 (b) For violation of Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter
162 18, State Boating Act, the court shall allocate 85% to the Division of Parks and Recreation and
163 15% to the general fund of the city or county government responsible for the justice court.

164 (3) The surcharge established by Section 51-9-401 shall be paid to the state treasurer.

165 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice
166 court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations
167 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial
168 Council, shall be paid to the state treasurer and distributed to the class B and C road account.

169 (5) Revenue deposited in the class B and C road account pursuant to Subsection (4) is
170 supplemental to the money appropriated under Section 72-2-107 but shall be expended in the
171 same manner as other class B and C road funds.

172 (6) (a) Fines and forfeitures collected by the court for a:

173 (i) first violation under Section 41-6a-1713 or Subsection 72-7-409(8)(b) shall be
174 remitted:

175 (A) 50% to the state treasurer to be deposited in the Transportation Fund to be used for
176 highway littering education and enforcement programs; and

177 (B) 50% in accordance with Subsection (1); or

178 (ii) second or subsequent violation under Section 41-6a-1713 or Subsection
179 72-7-409(8)(b) shall be remitted:

180 [~~(i) 60%~~] (A) 80% to the state treasurer to be deposited in the Transportation Fund to
181 be used for highway littering education and enforcement programs; and

182 [~~(ii) 40%~~] (B) 20% in accordance with Subsection (1).

183 (b) Fines and forfeitures collected by the court for a;
184 (i) first violation under Subsection 72-7-409(8)(c) shall be remitted:
185 (A) 50% to the state treasurer to be deposited in the Transportation Fund to be used for
186 highway littering education and enforcement programs; and
187 (B) 50% in accordance with Subsection (1); or
188 (ii) second or subsequent violation under Subsection 72-7-409(8)(c) shall be remitted:
189 [~~i~~ ~~50%~~] (A) 75% to the state treasurer to be deposited in the Transportation Fund to
190 be used for highway littering education and enforcement programs; and
191 [~~ii~~ ~~50%~~] (B) 25% in accordance with Subsection (1).

Legislative Review Note
as of 2-15-13 11:11 AM

Office of Legislative Research and General Counsel